

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGELICA ROSALES-SOTO,

Defendant.

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8:08CR394

ORDER

On November 26, 2008, the defendant filed a Motion to Suppress Statements and Evidence (Doc. [25](#)), but did not file a supporting brief as required by [NECrimR](#) 12.3(b)(1), which provides:

Supporting Briefs. A motion raising a substantial issue of law must be supported by a contemporaneously filed brief. The court may treat a party's failure to file a brief as an abandonment of the motion. The brief must concisely state the reasons for the motion, cite to the relevant legal authorities, and cite to the pertinent page of the record, affidavit, discovery material, or other evidence upon which the moving party relies.

On December 3, 2008, the courtroom deputy notified defense counsel by e-mail of the deficiency; however, as of this date, defense counsel has not filed any brief in support of the motion.

The defendant's motion raises numerous substantial issues of law. The United States now asks that the court dismiss the defendant's motion to suppress due to the defendant's failure to file any brief in support of the motion. The court finds that the government's request should be granted.

IT IS ORDERED:

1. The government's Motion to Dismiss Defendant's Motion to Suppress [30] is granted.

2. Defendant's Motion to Suppress Statements and Evidence [25] is denied without prejudice to refiling the motion and a supporting brief, in full compliance with NECrimR 12.3(b)(1), **no later than December 17, 2008.**

3. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by the provision of paragraph 2, above, and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between December 11, 2008 and December 17, 2008, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act.

4. The suppression hearing now set for January 7, 2009 is cancelled.

DATED December 11, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**